

## State Water Resources Control Board

March 16, 2017

(Via email and Certified Mail)  
**CERTIFIED MAIL**  
**NO. 7015 1520 0001 87017 1726**

Mr. Charlie Ott  
Director of Transportation  
Fremont Unified School District  
4210 Technology Drive  
Fremont, California 94538  
[cott@fremont.k12.ca.us](mailto:cott@fremont.k12.ca.us)

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEMS  
LOCATED AT FREMONT UNIFIED SCHOOL DISTRICT TRANSPORTATION  
YARD, 43770 SOUTH GRIMMER BOULEVARD, FREMONT**

Dear Mr. Ott:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the USTs at your facility on March 9, 2017, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	<b>Failure to Maintain Operating Permit</b> – The UST operating permit posted onsite at the time of inspection had an expiration date of March 1, 2017.	All	March 2, 2017	Ongoing	H&SC 25284(a)
2	<b>Failure to Maintain Facility Information (Form A)</b> – The facility information form in CERS must be updated because it lists self-insurance. However, an insurance policy is being used.	All	March 9, 2017	Ongoing	23 CCR 2711(a)

No.	Violation	Tank	Start Date	Stop Date	Regulation
3	<b>Failure to Maintain Tank Information (Form B)</b> – All tank information forms in CERS list <i>tank</i> construction as steel and flex for both primary and secondary; However, this is a Modern Welding tank and the primary containment should list steel only and the secondary containment should list fiberglass reinforced plastic (FRP). The diesel tank piping construction lists fiberglass, however flex piping was observed during the inspection.	All	March 9, 2017	Ongoing	23 CCR 2711(a)
4	<b>Failure to Maintain Monitoring Plan</b> – The monitoring plan in CERS must be updated; a former employee is listed as the second person having responsibility to authorize work.	All	March 9, 2017	Ongoing	23 CCR 2632(d)(1)
5	<b>Failure to Maintain Release Response Plan</b> – The response plan in CERS must be updated; a former employee is listed as a responsible person to authorize work.	All	March 9, 2017	Ongoing	23 CCR 2632(d)(2)
6	<b>Failure to Maintain Plot Plan/Site Map</b> – The site map in CERS must be updated because it does not include the waste oil tank, all underground piping, and sensor locations.	All	March 9, 2017	Ongoing	23 CCR 2711(a)(8)
7	<b>Failure to Maintain Financial Responsibility Onsite</b> – The Certificate of Financial Responsibility form was not onsite at the time of inspection.	All	March 9, 2017	Ongoing	23 CCR 2712(i)
8	<b>Failure to Meet Designated Operator (DO) Inspection Requirements</b> – The L15 sensor for the waste oil piping sump listed a fuel alarm on January 3, 2017, was not documented on the January 27, 2017 monthly DO inspection report.	All	January 1, 2017	January 31, 2017	23 CCR 2715(c)

No.	Violation	Tank	Start Date	Stop Date	Regulation
9	<b>Failure to Meet DO Inspection Requirements</b> – The L15 sensor for the waste oil piping sump listed a fuel alarm on October 28, 2016, was not documented on the November 15, 2016 monthly DO inspection report.	All	November 1, 2016	November 30, 2016	23 CCR 2715(c)
10	<b>Failure to Meet DO Inspection Requirements</b> – The alarm history report attached to the August 30, 2016 and September 28, 2016 monthly DO inspection reports were not legible because of the small print of the photocopy, therefore the inspector could not verify if any alarms occurred.	All	August 1, 2016	September 30, 2016	23 CCR 2715(c)
11	<b>Failure to Perform DO Inspection</b> – There was no monthly DO inspection conducted in July 2016. The annual monitoring certification was performed on July 25, 2016. However, this does not replace a monthly DO inspection.	All	July 1, 2016	July 31, 2016	23 CCR 2715(c)
12	<b>Failure to Meet DO Inspection Requirements</b> – The alarm history reports attached to the March 29, 2016; April 20, 2016; May 25, 2016; and June 27, 2016 monthly DO inspection reports were not legible because of the small print of the photocopy. Therefore, the inspector could not verify if any alarms occurred.	All	March 1, 2016	June 30, 2016	23 CCR 2715(c)
13	<b>Failure to Maintain Monitoring or Testing Records Onsite</b> – The secondary containment test conducted on September 25, 2015, was not available at the time of inspection.	All	March 9, 2017	Ongoing	H&SC 25293; 23 CCR 2712(b)
14	<b>Failure to Maintain Spill Containment Requirements</b> – The waste oil spill containment had approximately 2 inches of product and water mixture in it, which prevents its ability to hold five gallons.	Waste oil	March 9, 2017	Ongoing	23 CCR 2635(b)(1)

No.	Violation	Tank	Start Date	Stop Date	Regulation
15	<b>Failure to Maintain Spill Containment Requirements</b> – The diesel spill containment is a direct bury and made of steel, there is no indication that the exterior wall is protected from galvanic corrosion.	Diesel	March 9, 2017	Ongoing	23 CCR 2635(b)(1)
16	<b>Failure to Monitor Product Piping</b> – The sensor in the waste oil fill sump was not able to detect a leak at the earliest opportunity because it was not in a vertical position, not at the lowest point in the sump, and there was liquid at the bottom of the sump where the sensor should have been placed.	Waste oil	March 9, 2017	Ongoing	23 CCR 2630(d)
17	<b>Failure to Monitor Product Piping</b> – The sensor in the diesel under dispenser containment (UDC) #7 was unable to detect a leak at the earliest opportunity because it was not in a vertical position, not at the lowest point in the UDC, and there was liquid at the bottom of the UDC where the sensor should have been placed.	Diesel	March 9, 2017	Ongoing	23 CCR 2630(d)
18	<b>Failure to Monitor Product Piping</b> – The sensors in UDCs #2, #4/5, and #6 were unable to detect a leak at the earliest opportunity because they were not in a vertical position.	All	March 9, 2017	Ongoing	23 CCR 2630(d)
19	<b>Failure to Tag Monitoring Equipment</b> – A sticker or tag was not affixed to any of the monitoring equipment components that were certified during the July 25, 2016 monitoring certification.	All	March 9, 2017	Ongoing	23 CCR 2638(f)

**You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Fremont City Fire Department of within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance.**

Please send all compliance documentation to the following:

**State Water Board**

Ms. Rebecca Green  
UST Enforcement Unit  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, Suite 2300  
Sacramento, California 95814  
[rebecca.green@waterboards.ca.gov](mailto:rebecca.green@waterboards.ca.gov)

**Local CUPA**

Mr. Jay Swardenski  
Fire Marshal  
Fremont City Fire Department  
300 Capitol Avenue, Building A  
Fremont, California 94538  
[jswardenski@fremont.gov](mailto:jswardenski@fremont.gov)

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at [amantha.henkel@waterboards.ca.gov](mailto:amantha.henkel@waterboards.ca.gov).

Sincerely,



Amantha Henkel  
Senior Environmental Scientist  
UST Enforcement Unit  
**Office of Enforcement**

cc: (via email only)

Mr. Jay Swardenski  
Fire Marshal  
Fremont City Fire Department  
[jswardenski@fremont.gov](mailto:jswardenski@fremont.gov)

Ms. Janie O'Connor  
Hazardous Materials Technician  
Fremont City Fire Department  
[joconnor@fremont.gov](mailto:joconnor@fremont.gov)